

**UNITED STATES DISTRICT COURT**  
for the

Eastern District of North Carolina

*FILED IN OPEN COURT  
ON 5/28/2010  
Dennis P. Iavarone, Clerk  
US District Court  
Eastern District of NC*

United States of America	)	
v.	)	
JASPER TUJUIAN ALLEN	)	Case No: <u>5:03-CR-299-1BO</u>
Date of Previous Judgment: <u>October 28, 2004</u>		USM No: <u>24241-056</u>
(Use Date of Last Amended Judgment if Applicable)		Defendant's Attorney <u>Thomas P. McNamara</u>

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and the court having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_ months.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): \_\_\_\_\_

**III. ADDITIONAL COMMENTS**

The amount of crack cocaine involved is 4,500 grams or greater.

Except as provided above, all provisions of the judgment dated \_\_\_\_\_ shall remain in effect.

**IT IS SO ORDERED.**

Order Date: \_\_\_\_\_

  
\_\_\_\_\_  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

\_\_\_\_\_  
Terrence W. Boyle, U.S. District Judge  
Printed name and title